UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/567,935	02/09/2006	Johannes Baur 1	2406148US1P20030565USI	N 4550	
	26161 7590 04/17/2008 FISH & RICHARDSON PC			EXAMINER	
P.O. BOX 1022	2		NADAV, ORI		
MINNEAPOLIS, MN 55440-1022			ART UNIT	PAPER NUMBER	
			2811		
			MAIL DATE	DELIVERY MODE	
			04/17/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/567,935	BAUR ET AL.
Office Action Summary	Examiner	Art Unit
	Ori Nadav	2811
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 29 N 2a) This action is FINAL . 2b) This 3) Since this application is in condition for alloware closed in accordance with the practice under the second s	s action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) Claim(s) <u>1-19</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) <u>1-19</u> are subject to restriction and/or	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	cepted or b) objected to by the I drawing(s) be held in abeyance. See tion is required if the drawing(s) is objected to by the I	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)	о П	(DTO 440)
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 	4)	ate

Application/Control Number: 10/567,935 Page 2

Art Unit: 2811

Election/Restriction

1. Restriction to one of the following inventions is required under

35 U.S.C. 121:

I. Claims 1-6 and 14-19 drawn to a semiconductor device, classified in class 257,

subclass 98.

II. Claim 7-13 drawn to a process of making a semiconductor device,

classified in class 438, subclass 22+.

2. The inventions are distinct, each from the other because of the following

reasons: Inventions II and I are related as process of making and product made.

The inventions are distinct if either or both of the following can be shown: (1) that the

process as claimed can be used to make other and materially different product or (2)

that the product as claimed can be made by another and materially different process

(MPEP 806.05(f)). In the instant case unpatentability of Group II invention would not

necessarily imply unpatentability of the process of the group II invention, since the

device of group I invention could be made by processes different from those of group II

invention. For example, in claim 7, instead of forming said epitaxial layer sequence on a

carrier element and then applying a layer containing a glass material to a surface of said

epitaxial layer, forming first a layer containing a glass material on a temporary substrate

applying an epitaxial layer sequence to a surface of the layer containing a glass material

forming a carrier element on said epitaxial layer and then removing the temporary

substrate.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ori Nadav whose telephone number is 571-272-1660. The examiner can normally be reached between the hours of 7 AM to 4 PM (Eastern Standard Time) Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on 571-272-4670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/567,935 Page 4

Art Unit: 2811

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.N. 4/17/2008 /ORI NADAV/
PRIMARY EXAMINER
TECHNOLOGY CENTER 2800